

**CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT)**  
***Compliance & Oversight Committee***  
***Monday, March 22, 2004***  
***Stephen P. Clark Center***  
***111 NW 1<sup>st</sup> Street***  
***10<sup>th</sup> Floor Conference Room***  
***3:00 p.m.***

**Summary of Minutes**

**MEMBERS PRESENT:**

Henry Lee Givens, Chairman  
Harold Braynon, Jr.  
Hon. John F. Cosgrove  
Herminio Lorenzo

**COUNTY ATTORNEY:**

Bruce Libhaber

**OTHERS PRESENTS:**

Hilda Fernandez, Executive Director, OCITT  
Cathy Lewis, MDT  
Betty Alexander, DBD  
David Tinder, PWD  
Joe Lepp, Citizen

Patty David, OCITT  
Rodney McMillian, PWD  
Joanna Santiago, OCITT  
Regina Sandilands, MDT

**ROLL CALL**

With a quorum being present, Mr. Henry Lee Givens, Chairman, called the meeting to order at 3:30 p.m.

**APPROVAL OF AGENDA**

Mr. Givens requested a motion to approve the agenda. Mr. John Cosgrove moved its approval. The motion was seconded by Mr. Herminio Lorenzo and carried without dissent.

**APPRVAL OF THE MINUTES – FEBRUARY 10, 2004**

Mr. Givens requested a motion to approve the minutes. Mr. Cosgrove moved its approval. The motion was seconded by Mr. Lorenzo and carried without dissent.

**CITIZEN'S COMMENTS**

None

**COMMITTEE MEMBER COMMENTS**

None

## **OLD BUSINESS**

### **Status Report – City of Hialeah**

Ms. Hilda Fernandez reported that last year, the CITT received a request from the Department of Public Works (PWD) for the approval of a Memorandum of Understanding (MOU) between Miami Dade County and the City of Hialeah for the implementation of a PTP project located at NW 62<sup>nd</sup> Avenue. The City had an interest in accelerating the implementation of the project on behalf of Miami Dade County. At the December 17th CITT meeting, Mr. Givens asked what measures were applied to the MOU. At that time, it was not known if MOUs' were required to have the establishment of Disadvantaged Business Enterprise (DBE) and Community Small Business Enterprise (CSBE) measures as it is with contracts. After receiving further clarification from the County Attorney's Office it was deemed that in fact, MOU's and Joint Participation Agreements (JPA) are subjected to the same requirements. After the December 17th meeting, there have been two subsequent meetings with the Compliance and Oversight Committee and the City of Hialeah. During the meeting, the City's attorney, Mr. Grodnick, indicated that it was the intention of the City to comply with the County's guidelines. The City had an existing contract with Williams Paving, Inc., since 2000. The cost of the project was submitted in the year 2000. It was the City's intention to use that contractor to accelerate the project. After CITT approval, the Department of Business Development (DBD) met with the City of Hialeah and the contractor to determine how it was going to comply with the required DBE measures. Following several meetings between the City of Hialeah, the County, the contractor, and DBD, it was determined that the inclusion of the measures would result in an increased contract cost of \$1 million. The assumption being that if the project were put out to bid the cost would be much higher today, than it was four years ago. The new recommendation is to eliminate the 18% goals, which will be presented to the DBD Review Committee on March 31, 2004. If the committee approves the recommendation, it will be forwarded to the Board of County Commissioners (BCC) for its consideration.

Ms. Betty Alexander, Division Director for DBD, added that the price was already established four years ago. The contractor stated that if Community Small Business Enterprise (CSBE) measures would have been required at the time of signing, a higher quote would have been submitted. The City stated that it would now cost an additional \$1 million for the inclusion of these measures. DBD asked to review the other bids that were received by the City, but that information was not provided.

Ms. Fernandez explained that it was the desire of the City to use the quoted price, as long as the contractor was still in agreement.

Mr. Givens expressed his concern for placing the contractor in a position that is not beneficial to his business, regardless of the contractor's minority status. Furthermore, he added that the CITT is not in business to do a disservice to the public.

Mr. Herminio Lorenzo recalled the City of Hialeah's pledge to meet the requirements set by the County. Furthermore, this contractor has done business with the County before

and should be familiar with its guidelines. Ms. Fernandez stated that the item would be heard at the Board of County Commissioners (BCC) meeting of April 13, 2004. Mr. Givens asked if there were any other benefits that disadvantaged community businesses could receive from the City of Hialeah, since the goals are being recommended for removal. Ms. Fernandez informed that municipalities are not required to comply with the county's CSBE/DBE programs for the use of its 20%.

Mr. Givens said his concern is allowing municipalities to take pre-approved PTP projects that have the established goals in place and not being able to enforce those requirements, since municipalities are not bound by the same rules and regulations as the County.

Mr. John Cosgrove indicated that the CITT has the responsibility for assuring that the business community is given equal opportunity to participate in projects funded by PTP funds. He questioned if the City would be willing to use other contracts to make up the minority participation goals that are being lost with the MOU. Mr. Braynon added that he agreed with Mr. Cosgrove's comments, and having reviewed the issue from a business perspective, thought that the measures could not be added unless they were built into the contract four years ago. Mr. Cosgrove stated that future MOUs or JPAs using surtax proceeds should have established goals included, when applicable.

After much discussion among the members, Mr. Givens asked staff to schedule another committee meeting and invite the Mayor of Hialeah to discuss the MOU and any future City projects that will use PTP funds.

## **ACTION ITEMS**

### **7A RESOLUTION BY THE CITT APPROVING THE ACTION OF THE BCC IN AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT WITH THE CITY OF MIAMI TO PARTICIPATE IN FUNDING THE CONSTRUCTION OF PTP ROADWAY IMPROVEMENTS ALONG GRAND AVENUE FROM SW 37<sup>TH</sup> AVENUE TO MATILDA STREET**

Mr. Givens excused himself from the discussion because he represents a business in Coconut Grove and asked Mr. Lorenzo to chair the meeting.

Ms. Fernandez stated that it is staff's recommendation to approve the PWD action of the BCC in awarding a JPA with the City of Miami to provide funding for the PWD PTP project: Grand Avenue, from 37<sup>th</sup> Avenue to Matilda Street. The project was listed in both the PTP and the Transportation Improvement Program (TIP). The County and the City of Miami have negotiated and are entering a Joint participation Agreement (JPA) for the implementation of a PTP project. The project consists of roadway reconstruction from four (4) to two (2) lanes. The County will provide \$500,000 in Road Impact Fees; \$350,000 in Secondary Gas Tax funds; and \$2 million in PTP funds. The remainder of the funding, \$850,000 will come from the City of Miami. The total project cost is \$3.7 million. The item

was reviewed by the DBD for the application of measures and a 21 percent Community and Small Business Enterprise (CSBE) goal was recommended. A copy of questions asked by OCITT staff to the PWD along with responses were also distributed. The Budget and Finance Committee forwarded the item with a favorable recommendation and the Project Review Committee deferred the item to the Executive Planning Committee because it did not have a quorum.

Ms. Alexander added that there is also a 22 percent workforce goal included.

Mr. Lorenzo requested a motion to approve the item 7A. Mr. Cosgrove moved its approval. The motion was seconded by Mr. Braynon and carried without dissent.

7B David Tinder, PTP Coordinator, PWD, asked that the item be deferred.

### **CITIZEN'S COMMENTS**

None

### **NEW BUSINESS**

Ms. Fernandez reported that Mr. Givens asked if there were any existing programs in place to assist businesses impacted by construction. She informed the committee that staff is in the process of contacting County departments to acquire that information and is also researching other parts of the country to compare the programs. In addition, she has asked the Center for Urban Transportation Research (CUTR) if they could survey other transit projects throughout the country and the State of Florida to determine how they have managed and assisted businesses that have been impacted by major road construction. In addition, she has requested a copy of the Florida Department of Transportation program and has received a copy of the Office of Capital Improvement's program.

Mr. Givens stated that the topic was brought up during a meeting he attended, and many of the business owners in South Dade voiced their concerns on how their businesses were interrupted by construction during the Bus Way implementation. Due to those concerns, he thought the CITT should be proactive and begin to prepare areas that might be affected by any PTP projects that will begin construction.

### **ADJOURNMENT**

The meeting adjourned at 4:30 p.m.

**\*\*\*\*MINUTES ARE IN SUMMARY FORM\*\*\*\***  
**FOR VERBATIM TRANSCRIPTION OF THIS MEETING PLEASE REQUEST COPIES**  
**OF THE TAPE FROM THE CITT OFFICE AT 375-3481**